

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

LELIA KELLEY and )  
LINDA STEPHENS, )  
 )  
Plaintiffs, )  
 )  
v. ) CASE NO: 1:11cv-0331-SEB-DML  
 )  
LARRY DAVIS, individually and in his )  
Official capacity as Madison County Assessor, )  
 )  
Defendant. )

Order on Motion for Leave to File Amended Complaint

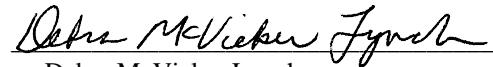
This matter is before the court on the motion (Dkt. 19) by plaintiffs Lelia Kelley and Linda Stephens for leave to file an amended complaint. The proposed complaint seeks to add Madison County as a defendant and assert claims against it arising out of the termination of the plaintiffs' employment with the Madison County Assessor's office at issue in this lawsuit. The plaintiffs' current complaint names as the sole defendant Madison County Assessor Larry Davis, in his official and individual capacities.

The plaintiffs assert that their ability to obtain complete relief without naming Madison County as a defendant may be impeded because (a) Madison County may be deemed to be their employer (citing *Braddock v. Madison County*, 34 F. Supp. 2d 1098, 1106-07 (S.D. Ind. 1998)); and (b) Madison County is a necessary party because Mr. Davis has been named in his official capacity and Madison County may be responsible for paying any judgment and have rights to control settlement of the litigation (citing *Carver v. Sheriff of LaSalle County*, 324 F.3d 947, 948 (7th Cir. 2003)).

The plaintiffs' motion for leave to amend has been filed within the deadline set in the case management order and the plaintiffs have set forth sufficient bases for the court to find that justice is served by allowing the amendment. See Fed. R. Civ. P. 16(b)(4) and 15(a)(2). Accordingly, the court GRANTS the plaintiffs' motion for leave to file their amended complaint. The amended complaint, at Dkt. 19-1, is deemed filed and served on defendant Larry Davis as of the date of this order. The plaintiffs immediately shall effect service of the amended complaint and summons on defendant Madison County.

So ORDERED.

Date: 07/25/2011



Debra McVicker Lynch  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

Robert Adam Hicks  
MACEY SWANSON & ALLMAN  
rhicks@maceylaw.com

Barry A. Macey  
MACEY SWANSON AND ALLMAN  
bmacey@maceylaw.com

Ronald J. Semler  
STEPHENSON MOROW & SEMLER  
rsemler@stephlaw.com

James S. Stephenson  
STEPHENSON MOROW & SEMLER  
jstephenson@stephlaw.com